

MEETING RECORD

NAME OF GROUP: City Board of Zoning Appeals

DATE, TIME AND

PLACE OF MEETING: Friday, June 28, 2002, 1:30 p.m., 1st Floor Hearing Chambers,
555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS

IN ATTENDANCE:

Members: Gerry Krieser, Linda Wibbels and Gene Carroll
Others: Tonya Skinner (City Law Dept.), Rodger Harris (Building & Safety), Jason Reynolds and Missy Minner (Planning Department), applicants and other interested parties.

STATED PURPOSE

OF THE MEETING: Regular Meeting of the City Board of Zoning Appeals

Acting Chair Wibbels called the meeting to order. Action on the June 14, 2002 minutes will be held over to the July 26, 2002 meeting as there were not enough voting members to approve them.

City Board of Zoning Appeals No. 2332

Requested by Ron Rosburg for a variance to reduce the side yard on property generally located at 3125 Cedar Avenue.

PUBLIC HEARING

June 28, 2002

Ron Rosburg appeared on behalf of the owner. The requested variance would allow the garage to be sandwiched between the lot line and magnolia tree in the back yard. He offered a list of neighbors' signatures showing their support for this proposal. This location would give the owners straight access into the garage.

He added that there was an error in the drawing showing an overhang onto the neighbor's property. A revised drawing was submitted for the record. The existing garage is a 20' long single stall. The new garage is 20' wide. They have already had to trim a large branch off the tree and without the variance would have to take more of it.

Rich Torracco, 3125 Cedar Avenue, appeared. He stated that the dimensions of his property are typical for the area. The lots are very narrow. The new garage is 20' wide and without the variance, they will lose half their back yard.

With no one further appearing, the public hearing was closed.

ACTION

June 28, 2002

Carroll moved denial of the variance, seconded by Krieser.

Carroll stated that 2' is not that much of a loss of the back yard. The owner should make a decision about whether he wants the garage or the additional space in the back yard. Krieser added that this is not a hardship. The owner could build a 2-stall garage and meet the setback requirements.

Motion for denial failed for lack of majority vote 2-1; Carroll and Krieser voting 'yes'; Wibbels voting 'no'; Hancock and Wanser absent. Action on this item will be held over to the July 26, 2002 meeting.

City Board of Zoning Appeals No. 2335

Requested by John Burbach for a variance to the minimum lot area, width, and frontage on property generally located at 5250 S. Coddington Avenue.

PUBLIC HEARING

June 28, 2002

Wibbels stated that there had been an error in the advertising of this item, so it would need to be held over to the July 26, 2002 meeting.

Carroll moved to hold this item over for public hearing and action on July 26, 2002, seconded by Krieser.

Motion carried 3-0; Carroll, Krieser and Wibbels voting 'yes'; Hancock and Wanser absent.

City Board of Zoning Appeals No. 2336

Requested by Scott Sullivan for an exception to reduce the parking requirements on property generally located at 3124 Portia Street.

PUBLIC HEARING

June 28, 2002

Scott Sullivan appeared on behalf of the Lower Platte South NRD. The basis of their request is summed up in a quote from the Planning Department staff report which states, "The Board of Zoning Appeals is empowered to grant exceptions to reduce the parking requirements in the commercial, business or industrial districts whenever the character of the use of building is such as to make unnecessary the full provisions of parking facilities as required." They are proposing a reduction to 8 parking stalls in front of the building. Based on the square footage of the site, the required number of spaces would be 35. The existing building is 3,900 square feet. Of that, 720 square feet is office space and the rest is for storage and warehouse use. The new building has a total square footage of 6,500 square feet. Of that, just over 4,400 square feet is for storage and shop use.

They could reduce the 35 stalls by 16 because those could be taken from the property to the west of Portia Street. The paved area around this building is used for moving the vehicles. They have no need for the additional parking.

Glenn Johnson, Lower Platte South NRD appeared. He explained that the district moved to this location 15 years ago. They have since increased operations and activities and added on to the building. Approximately three years ago, this property was purchased to use in the future for operation and maintenance. It was their intent to get enough building space to store their equipment and supplies inside and make the area more attractive. Most of their staff and offices are located on the west side of Portia Street. Generally, they have enough parking in the west lot to accommodate people attending meetings at their facility. The building on the east side would house office space for four staff members who work with the maintenance crews. They also have two crews of inmates who are bussed out there and work during the day. They don't have a need for that much parking area.

Should they need additional parking to accommodate meeting attendees, they could park on the east side of the building as the equipment is basically used between 8:00 am and 5:00 pm.

With no one further appearing, the public hearing was closed.

ACTION

June 28, 2002

Carroll moved to approve the exception to the parking requirements with the conditions that the premises remain a single parcel, remain in NRD ownership, and have the same or a substantially similar use, seconded by Krieser.

Wibbels asked if the requirement that the property remain a single parcel meant that it could never be sold. Reynolds indicated that should the NRD sell off a portion of the property, the parking requirements would have to be met.

Motion for conditional approval carried 3-0; Carroll, Krieser, and Wibbels voting 'yes'; Hancock and Wanser absent.

City Board of Zoning Appeals No. 2338

Requested by Barbara Sjulín for a variance to the space between pole and/or ground signs along any street frontage on property generally located at 2021 South 17th Street.

PUBLIC HEARING

June 28, 2002

Tony Ahmed of Capitol Sign appeared on behalf of the owner and operator of the business at 2021 South 17th Street. They are asking for a 14' reduction between the signs. The options for sign location on the property are limited. If they are required to meet the spacing requirement, the sign would be on the alley and in the sight triangle. They need the reduction because of the location of the bank sign.

The proposed sign is a single faced ground sign with the lighted portion facing south. The existing pole sign will be removed.

Marcie Young, Vice President of Primerica. Financial Services appeared. Their business has been located here since 1992. If they are required to abide by the 50' ruling, the only other place for the sign would be on the other side of 2 parking spaces and behind a large tree. The sign will be much easier to see if they have a free standing sign. She added that it will be safer with the pole sign gone because people overshoot the drive and run into the pole.

With no one further appearing, the public hearing was closed.

ACTION

June 28, 2002

Carroll moved approval of the variance limited to the sign shown in the application, seconded by Krieser.

Krieser stated that this is a good location for the sign because of the visibility.

Wibbels added that it will help eliminate the confusion of having so many driveways in the area.

Motion for conditional approval carried 3-0; Carroll, Krieser, and Wibbels voting 'yes'; Hancock and Wanser absent.

There being no further business, meeting adjourned at 2:07.

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